

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL B. WALKER,

04-CV-980-AS

Plaintiff,

ORDER

v.

STATE OF OREGON, et al.,

Defendants.

MICHAEL B. WALKER
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Lakeside, OR 97449
(541) 404-1111

Plaintiff, *Pro Se*

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Attorneys for Defendants

BROWN, Judge.

Magistrate Judge Donald C. Ashmanskas issued Findings and Recommendation (#45) on December 7, 2005, in which he recommended the Court grant Defendants' Unenumerated 12(b) Motion to Dismiss (#17) and dismiss this matter without prejudice. Plaintiff filed timely objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988); *McDonnell Douglas Corp. v. Commodore Business Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982). This Court has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Ashmanskas's Findings and Recommendation (#45) and, accordingly, **GRANTS** Defendants' Unenumerated 12(b) Motion to Dismiss (#17) and **DISMISSES** this matter **without prejudice**. The Court **DENIES** any remaining

motions.

IT IS SO ORDERED.

DATED this 13th day of March, 2006

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge